

CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795 <div style="text-align: center; font-size: 24pt; font-weight: bold;">STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 12/11/02 Item # 3.i.
	File Number PDC 01-102
	Application Type Planned Development Prezoning
	Council District 8
	Planning Area Evergreen
	Assessor's Parcel Number(s) 654-03-009, -008; 654-15-022; 654-09-042
PROJECT DESCRIPTION	
Completed by: John W. Baty	
Location: Northerly of the intersection of Springbrook Avenue and Canyon Ridge Drive	
Gross Acreage: 25.69 Net Acreage: 25.00 Net Density: 0.92 DU/AC (6 DU / 6.53 AC)	
Existing Zoning: County Existing Use: 3 Single-family detached units	
Proposed Zoning: A(PD) Planned Development Proposed Use: 7 Single-family detached units and open space	
GENERAL PLAN	
Completed by: JWB	
Very Low Density Residential (2 DU/AC), Non-Urban Hillside	
Project Conformance: [X] Yes [] No [X] See Analysis and Recommendations	
SURROUNDING LAND USES AND ZONING	
Completed by: JWB	
North: Single-family detached residential County	
East: Single-family detached residential County	
South: Single-family detached residential / Church R-1 / A(PD) Planned Development	
West: SCVWD Debris Basin County	
ENVIRONMENTAL STATUS	
Completed by: JWB	
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Environmental Impact Report found complete <input checked="" type="checkbox"/> Negative Declaration circulated on 11/21/02 <input type="checkbox"/> Negative Declaration adopted on </div> <div> <input type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete </div> </div>	
FILE HISTORY	
Completed by: JWB	
Annexation Title: Evergreen No. 188 Date: Pending	
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION	
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial </div> <div> Date: _____ </div> <div> Approved by: _____ <input type="checkbox"/> Action <input checked="" type="checkbox"/> Recommendation </div> </div>	
OWNER/DEVELOPER ENGINEER/CONSULTANT	
<div style="display: flex; justify-content: space-between;"> <div> Richard A. Ceraolo 3698 Norwood Avenue San Jose, CA 95148 </div> <div> Mike Keaney, HMH, Inc. 1570 Oakland Road, Suite 200 San Jose, Ca 95131 </div> </div>	

PUBLIC AGENCY COMMENTS RECEIVED**Completed by: JWB**

Department of Public Works

See attached memorandum.

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

Santa Clara Valley Water District

N/A

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The owner, Richard Ceraolo, is requesting to prezone his property from County to A(PD) Planned Development to allow up to seven (7) single-family detached houses and open space on 25.69 gross acres. This unincorporated property is currently developed with three existing single-family detached residences and various accessory structures. The associated annexation, Evergreen 188, is pending.

The site topography ranges in slope from 5 percent near the southwest corner of the property to over 30 percent at the northeastern end of the property. Norwood Creek runs east to west bisecting the property and generally forms the northern boundary of the approximately seven acre developable portion of the site. A seasonal channel runs east to west and forms the southern boundary between the subject site and the existing Light of the World Church and an existing single-family residence. A Santa Clara Valley Water District debris basin borders the property to the west. There are single-family detached residences to the north and east.

The site is a remnant orchard and has over 150 trees of 45 different identified species, 6 species of which are California natives. The proposed development would require the removal of 10 ordinance size trees and 46 non-ordinance size trees.

The property currently takes primary access by way of an existing easement from Quimby Road through the Light of the World Church to the south. Secondary access to the site comes from a private road from Norwood Avenue to the west and over an existing bridge that crosses Norwood Creek.

The property is currently under the California Land Conservation Act (CLCA), otherwise known as the Williamson Act. The owner of the subject property requested a notice of non-renewal of the contract on October 17, 2001. Development cannot proceed until the contract requirements have been fulfilled.

Project Description

The proposed project would allow the demolition of two existing houses and construction of up to 6 new houses on the southerly approximately 7 acres of the 25.69-acre property. The northerly remaining acres, containing an existing house, are proposed to remain as is. The six- (6) new houses are proposed to front onto a new 48-foot wide public street. Architecture for the six individual custom homes will be developed at the Planned Development Permit stage.

Approximately 0.25 acres of the Santa Clara Valley Water District property to the west is in the process of being acquired to form a portion of the new public right-of-way that will connect to the existing Springbrook Avenue Canyon Ridge Drive intersection. The proposed lots range in size from approximately 15,000 to 57,000 square feet with an average lot size of approximately 31,000 square feet. Two (2) larger lots will be located on the steeper eastern portion of the developable area with the smaller lots on the flatter western portion of the project site.

The existing easement that currently serves the project through the Light of the World Church will remain to serve the properties to the east of the subject site. The easement runs through and behind the two proposed large lots.

ENVIRONMENTAL REVIEW

The Director of Planning circulated a Mitigated Negative Declaration for this project on November 21, 2002. The key issues addressed include traffic, geology and biological resources.

Traffic

The site is located within the Evergreen Development Policy (EDP) area and has traffic allocation for four (4) units plus the existing three (3) units for a total of seven (7) dwelling units. The project, as proposed, conforms to the Evergreen Development Level of Service Policy.

Geology

The project site has the potential of seismic, landslide, soil erosion, and other geological hazards due to the topography and location of an earthquake fault line along the westerly end of the developable portion of the property. A Geologic Hazard Clearance has been issued for the project based on a geologic report prepared for this site. The project will include standard and special engineering techniques as specified in the geotechnical investigation reports to the satisfaction of the City Project Engineer and City Geologist. Additionally, structures will maintain an appropriate setback from the fault in accordance with the Geologic Hazard Clearance.

Biological Resources

A Biological Assessment was prepared for the portion of the property proposed for development. The report did not identify any special status plant species on the site. Due to the small size of the developable site and the relatively low value of on-site and surrounding habitat for native species, and the proximity of suburban development the site does not constitute a 'movement corridor' for native wildlife, although some species move within and through the site. No rare or endangered animal species are expected to be a resident or breed on the site, with the possible exceptions of the white-tailed kite, burrowing owl, and California horned lark.

Potentially suitable nesting sites for several raptor species are present in the trees existing on the project site. Project construction could disturb nesting if this occurs on the site at time of construction. Therefore, appropriate mitigation measures are necessary and included in the project to reduce potential impacts to nesting raptors to less than significant levels.

No Burrowing Owls or evidence of their presence were found on the site during the field surveys, and Burrowing Owls are not known to inhabit land at this elevation. However, standard mitigation requires the developer to have a qualified ornithologist conduct pre-construction surveys for burrowing owls within 30 days prior to site grading to determine the presence/absence of burrowing owls.

As previously indicated, 56 trees will be removed as part of the project, 10 of which are ordinance size. The loss of these trees does not result in a significant impact. The ordinance size as well as the smaller trees removed will be replaced according to standard tree mitigation requirements resulting in the on-site planting of 36-15 gallon trees and 70-24" box trees.

The project will be retaining 88 trees of various sizes, non-native and native species, including 17 oak trees.

The northern boundary of the developable area of the property will occur along the edge of the riparian corridor of Norwood Creek. An expanse of paved area, accessory structures and a portion of one of the existing houses currently lie within the proposed 75-foot riparian corridor setback. All pavement, structures and buildings within this riparian setback will be removed and the area planted with native riparian vegetation.

GENERAL PLAN CONFORMANCE

The General Plan Land Use/Transportation Diagram designation for the site is Very Low Density Residential (2 DU/AC) and Non-Urban Hillside, which is the area above the 15% slope-line. The intent of the 15% slope-line, as a General Plan criterion, is to define the limit of encroachment of urban land uses into the hillsides that border the valley floor. The portion of the site above the 15% slope-line is also outside the Urban Service Area Boundary (USA) and the Urban Growth Boundary (UGB).

The project site was the subject of a General Plan Amendment in August 2001, File No. GP 01-08-01. The request was to change the General Plan Land Use/Transportation Diagram designation of a 6.3 acre portion of the property from Very Low Density Residential (2 DU/AC) and a 1.7 acre portion of the property from Non-Urban Hillside to 8.0 acres of Low Density Residential (5 DU/AC) and to expand the City's Urban Service Area (USA). The Planning Commission and City Council unanimously concurred with the original staff recommendation for denial of the change in land use designation, but approval of the minor expansion of the USA.

At 0.92 dwelling units per acre over the 6.53 net-acre portion of the site designated Very Low Density Residential (VLDR), the project conforms to the General Plan Land Use Designation of VLDR (2 DU/AC). The project also conforms to the Non-Urban Hillside (NUH) land use designation by limiting development in the area above the 15% slope line to the existing single-family house.

The proposed project supports the UGB, which establishes the maximum extension of urban development and clearly indicates that lands outside of the boundary should remain permanently rural in character. With the exception of the existing single-family house that is located above the UGB the remainder of the property will remain rural as a condition of the project.

Upon approval of the USA expansion by the Santa Clara County Local Agency Formation Commission (LAFCo) the proposed project will support the USA, which designates where services and facilities provided by the City are generally available and where urban development requiring such services should be located. Services and facilities provided by the City are available to the proposed project. For health and safety reasons, services, sanitary sewer in particular, may be extended to the existing single-family residence that lies outside the USA.

The General Plan includes a section of Hillside Development policies, which seek to protect the natural environment and sensitive hillside areas as a resource by precluding development above the 15% slope line. The goal of these policies is to preserve the valuable natural resources of the hillsides and minimize the exposure of the public to potential environmental hazards associated with hillside development. Grading on hillsides should be minimized to preserve the natural character of the hills. This project supports these policies by establishing a clearly defined 15% slope line and where development may and may not occur.

ANALYSIS

The primary issues for this proposed rezoning include 1) site design and grading, and 2) conformance with Riparian Corridor Policy.

Site Design & Grading

The six new lots are proposed in a standard configuration taking access off a new 48-foot wide public right-of-way. The proposed right-of-way is designed to accommodate a potential street extension into the Santa Clara Valley Water District property to the west, which has allocation for 10 dwelling units.

The proposed public right-of-way ends between the two larger lots in a cul-de-sac bulb approximately 150-feet from the easterly property line to help prevent inappropriate development growth within the adjacent properties in the non-urban hillside areas.

Although the subject property only has allocation for the current proposed number of units, two larger lots located on the steeper eastern portion of the site are configured for potential future subdivision if the allocation can be increased. A proposal for additional units or lots would require a new Planned Development Rezoning. Additional environmental review would be required including a traffic analysis that demonstrates conformance with the Evergreen Development Level of Service Policy.

The existing easement from Quimby Road through the Light of the World Church will continue to serve the properties to the east of the subject site. However, the project is designed to accommodate a future easement from the proposed right-of-way to allow the properties to the east more direct access from a public street instead of through the Light of the World Church.

Conceptual grading shows pads for each lot generally following the height of existing contours as they step up the slope. The larger lots are proposed in steeper areas closer to the terminus of the cul-de-sac to reduce the amount of grading and to preserve trees. As is standard procedure, the grading design will be refined at the Planned Development Permit stage to maintain the hillside characteristics of the surrounding area.

The City's Residential Design Guidelines are not applicable to this project since the lot sizes are larger than 6,000 square feet. However, the site layout and units will be designed to comply with the principles contained in the guidelines to ensure compatible unit relationships and proper integration of the custom homes into the surrounding neighborhood.

The area on the north side of Norwood Creek is generally located above the 15% slope-line with a General Plan Land Use Designation of Non-Urban Hillside. No increase in intensity of development beyond the existing single-family house may occur in this area. Only very low intensity uses such as grazing or tree farming would be allowed in place of or in addition to the existing single-family house.

Conformance with Riparian Corridor Policy

The northern boundary of the developable area of the project site is located adjacent to Norwood Creek. Norwood Creek is a tributary to Coyote Creek and subject to the City's riparian policies. This reach of Norwood Creek is generally in good condition with the exception of existing pavement, structures and buildings within or in close proximity to the existing drip-line.

The biotic habitat survey observed that this portion of Norwood Creek supports various riparian and non-riparian trees and shrubs. Predominant vegetation beyond the drip-line is described in the Biological Constraints Report as being non-native grassland/ruderal and developed/landscaped.

Setbacks from the riparian corridor are the principle means of minimizing impacts associated with human activities. The Riparian Corridor Policy Study recommends a setback of 100 feet from the edge of the corridor for any new development. Exceptions to the 100-foot setback can be considered as long as the habitat protection objectives are achieved, with no less than 50 feet considered the minimum.

The Riparian Corridor Policy defines circumstances which may warrant consideration of setbacks less than 100 feet. Norwood Creek represents a small lower order tributary whose riparian influence does not extend to 100 feet, per findings of the Biological Constraints Report and subsequent riparian assessment. In this circumstance the reduced setback would not significantly reduce or adversely impact the riparian corridor. In addition a qualified biologist has confirmed that a reduced riparian setback would be appropriate for this project.

This project proposes a riparian setback 75 feet from the riparian edge as determined by the riparian assessment. No development is allowed within the 75-foot setback. Three of the proposed residential lots back up to the riparian corridor providing views of the corridor as well as additional building separation from the riparian corridor in the form of rear setbacks. The proposed 75-foot riparian setback will protect the biological resources from the potential indirect effects associated with the proposed project by removing existing hardscape, structures and buildings that are currently under the drip-line. Subsequent planting and maintenance of native riparian vegetation will occur within the riparian setback. The riparian setback will remain part of the project as private open space. A mitigation and monitoring plan, which details the plant mix, success criteria and monitoring schedule for the setback area will be coordinated with the Santa Clara Valley Water District as part of the Planned Development Permit.

PUBLIC OUTREACH

Notices of the public hearing and the draft Mitigated Negative Declaration were distributed to the owners and occupants of all properties located within 500 feet of the project site. Staff has been available to discuss the project with interested members of the public.

RECOMMENDATION

Planning staff recommends the Planning Commission recommend approval of the proposed Planned Development Rezoning.

Staff recommends approval of the project for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Very Low Density Residential (2 DU/AC) and Non-Urban Hillside.
2. The project conforms to the intent of the General Plan's hillside development policies.
3. The project furthers General Plan Major Strategies that seek to maximize urban development opportunities on infill parcels.
4. The project conforms to the Evergreen Development Policy.
5. The project conforms to the Riparian Corridor Policy.
6. The project will be designed to be compatible with the surrounding neighborhood.